

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

BRENDA H.,

Plaintiff,

v.

CIVIL ACTION NO. 2:23-cv-00631

MARTIN J. O'MALLEY,
Commissioner of Social Security,

Defendant.

MEMORANDUM OPINION AND ORDER

By *Standing Order* (Document 2) entered on September 21, 2023, this action was referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). On January 26, 2024, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 8) wherein it is recommended that the Court grant the Plaintiff's request for remand (Document 5), deny the Defendant's request to affirm the decision of the Commissioner (Document 6), reverse the final decision of the Commissioner, and remand this matter to the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g) for further administrative proceedings so that the ALJ may further consider any work-limiting effects from the Plaintiff's mental impairments.

Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by February 9, 2024, and none were filed by either party. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149-50 (1985); *see also Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983) (holding that district courts may adopt proposed findings and recommendations without explanation in the absence of objections).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation*. The Court **ORDERS** that the Plaintiff's request for remand (Document 5) be **GRANTED**, the Defendant's request to affirm the decision of the Commissioner (Document 6) be **DENIED**, the final decision of the Commissioner be **REVERSED**, and this matter be **REMANDED** to the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g) for further administrative proceedings so that the ALJ may further consider any work-limiting effects from the Plaintiff's mental impairments.

The Court **DIRECTS** the Clerk to send a certified copy of this *Memorandum Opinion and Order* to Magistrate Judge Aboulhosn, counsel of record, and any unrepresented party.

ENTER: February 12, 2024


IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA